

CHAPTER 10

PUBLIC NUISANCES

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10.01 PUBLIC NUISANCES PROHIBITED.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village.

10.02 PUBLIC NUISANCE DEFINED.

A public nuisance is a thing, act, occupation, condition or use of property which continues for such length of time as to:

- (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.
- (2) In any way render the public insecure in life or in the use of property.
- (3) Greatly offend the public morals or decency.
- (4) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

10.03 PUBLIC NUISANCES AFFECTING HEALTH.

The following acts, omissions, places, conditions and things are specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of Section 10.02:

- (1) **ADULTERATED FOOD.** All decayed, adulterated or unwholesome food or drink sold or offered for sale to the public.
- (2) **UNBURIED CARCASSES.** Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within 24 hrs. after death.
- (3) **BREEDING PLACES FOR INSECTS OR VERMIN.** Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material in which flies, mosquitoes, disease carrying insects, rats or other vermin can breed.
- (4) **STAGNANT WATER.** All stagnant water in which mosquitoes, flies or other insects can multiply.

- (5) **PRIVY VAULTS AND GARBAGE CANS.** Privy vaults and garbage cans which are not flytight.
- (6) **NOXIOUS WEEDS.** All noxious weeds, as defined in Section 10.13.
- (7) **WATER POLLUTION.** The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.
- (8) **NOXIOUS ODORS, ETC.** Any use of property, substances or things within the Village emitting or causing any foul, offensive, noisome, noxious or disagreeable odors, gases, effluvia or stench extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Village.
- (9) **STREET POLLUTION.** Any use of property which causes any noxious or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Village.
- (10) **AIR POLLUTION.** The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the Village or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or threaten or cause substantial damage to property in the Village.

10.04 PUBLIC NUISANCES OFFENDING MORALS AND DECENCY.

The following acts, omissions, places, conditions and things are specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of Section 10.02:

- (1) **DISORDERLY HOUSES.** All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.
- (2) **GAMBLING DEVICES.** (Rep. & recr. #095-28) All gambling devices, slot machines and punch boards. Gambling devices include, but are not limited to, video games that simulate one or more games commonly referred to as poker, blackjack, craps, hi-lo, roulette or other common gambling forms, though not offering the player the opportunity to obtain something of value. The term also includes any video game that awards game credits or replays and contains a meter or device which records unplayed credits or replays,

- (3) **UNLICENSED SALE OF LIQUOR AND BEER.** All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by the ordinances of the Village.
- (4) **CONTINUOUS VIOLATION OF VILLAGE ORDINANCES.** Any place or premises within the Village where Village ordinances or State laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- (5) **ILLEGAL DRINKING.** Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of State laws.

10.05 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

The following acts, omissions, places, conditions and things are declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of Section 10.02:

- (1) **DANGEROUS SIGNS, BILLBOARDS, ETC.** All signs, billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public so situated or constructed as to endanger the public safety.
- (2) **ILLEGAL BUILDINGS.** All buildings erected, repaired or altered in violation of Village ordinances relating to materials and manner of construction of buildings and structures within the Village.
- (3) **UNAUTHORIZED TRAFFIC SIGNS.** All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as official traffic control devices or railroad signs or signals or which, because of their color, location, brilliance or manner of operation, interfere with the effectiveness of any device, sign or signal.
- (4) **OBSTRUCTION OF INTERSECTIONS.** All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- (5) **LOW-RANGING TREE LIMBS.** See Section 8.11(3) of this Municipal Code.

- (6) **DANGEROUS TREES.** All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.
- (7) **FIREWORKS.** All use or display of fireworks except as provided by State laws and Village ordinances.
- (8) **DILAPIDATED BUILDINGS.** All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human use.
- (9) **LOW HANGING WIRES AND CABLES.** All wires and cables over streets, alleys or public grounds which are strung less than 15' above the surface thereof.
- (10) **NOISY ANIMALS OR FOWL.** The keeping or harboring of any animal or fowl which, by frequent or habitual howling, yelping, barking, crowing or making of other noises, greatly annoys or disturbs a neighborhood or any considerable number of persons within the Village.
- (11) **OBSTRUCTIONS OF STREETS; EXCAVATIONS.** All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Village but including those which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished or which do not conform to the permit.
- (12) **UNLAWFUL ASSEMBLIES.** Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.
- (13) **BLIGHTED BUILDINGS AND PREMISES.** Premises existing within the Village which are blighted because of faulty design or construction, failure to maintain them in a proper state of repair, improper management or the accumulation thereon of junk or other unsightly debris, structurally unsound fences and other items which depreciate property values and jeopardize or are detrimental to the health, safety, morals or welfare of the people of the Village. Elimination and prevention of blighted premises in the future is in the best interest of the citizens and this shall be fostered and encouraged by this chapter. It is essential to the public interest that this chapter be liberally construed to accomplish the purposes of this subsection.

10.055 SEX OFFENDER RESIDENCY RESTRICTIONS

(1) Findings and Intent.

- (a) Findings. Repeat sex offenders, sex offenders who use physical violence, and sex offenders who prey on children are sex predators who present an extreme threat to the public safety. Sex offenders are extremely likely to use physical violence and to repeat their offenses; and, most sex offenders commit many offenses, have many more victims that are never reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sex offender victimization to society at large, while incalculable, clearly exorbitant.
- (b) Intent. It is the intent of this Ordinance not to impose a criminal penalty, but rather to service the Village of Sturtevant's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the Village by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sex offenders and sex predators are prohibited from establishing temporary or permanent residency.

(2) **Definitions**. The following words, terms and phrases, when used in this Ordinance shall have the meanings ascribed to them in this Section, except when the context clearly indicates a different meaning:

- (a) "Child" or "Children" means person(s) under the age of sixteen (16) years for purposes of this Ordinance.
- (b) "Designated Offender" means any person who is or was required to register under Section 301.45, Wisconsin Statutes, for any sexual offense against a child, or any person who is or was required to register under Section 301.45, Wisconsin Statutes, and who has been designated a Special Bulletin (SBN) sex offender pursuant to Sections 301.46(2) and (2m), Wisconsin Statutes.
- (c) "Minor" means a person under the age of seventeen (17) years.
- (d) "Permanent Residence" means a place where the Designated Offender lodges or resides for fourteen (14) or more consecutive days.
- (e) "Temporary Residence" means either: (a) a place where the person abides, lodges or resides for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address; or, (b) a place where the person routinely abides, lodges or resides for a period of four (4) or more consecutive or nonconsecutive days in any month and which is not the person's Permanent Residence.

- (f) “Prohibited Location” means any school property (public or private), licensed daycare center, park, trail, playground, athletic fields used by children, place of worship, or any other place designated by the Village as a place where children are known to congregate.

(3) **Sex Offender and Sex Predator Residence; Prohibitions and Exceptions**

(a) Prohibited Location of Residence.

1. It is unlawful for any Designated Offender not placed pursuant to Department of Corrections (DOC) guidelines (whereby Designated Offenders are returned to their home community) to establish a Permanent Residence or Temporary Residence within two thousand five hundred (2,500') feet of a Prohibited Location.
2. It is unlawful for any Designated Offender placed in compliance with Department of Corrections (DOC) guidelines (whereby Designated Offenders are returned to their home community) to establish a Permanent Residence or Temporary Residence within one thousand (1,000') feet of a Prohibited Location.
3. No Designated Offender may establish a Permanent Residence or Temporary Residence within a six (6) block radius of an existing Permanent Residence or Temporary Residence of another Designated Offender.

- (b) Determination of Minimum Distance Separation. For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the Permanent Residence or Temporary Residence of a Designated Offender to the nearest outer property line of a Prohibited Location.

- (c) Maps. A map depicting the above enumerated uses and the resulting residency restriction distances shall be adopted by Resolution of the Village Board, and which map may be amended from time-to-time, is on file in the Office of the Village Clerk for public inspection.

- (d) Original Domicile Restriction. In addition to and notwithstanding the foregoing prohibitions, but subject to section 10.055(c)(6) below, no person and no individual who has been convicted of a sexually violent offense and/or a crime against children as a sex offense as that term is defined under Sec. 301.45(1d)(b), Wis. Stats., shall be permitted to reside in the Village of Sturtevant, unless such person was legally domiciled in the Village of Sturtevant

at the time of the offense resulting in the person's most recent conviction for committing the sexually violent offense and/or crime against children.

- (e) Notification. A Designated Offender must notify the Police Department a minimum of three (3) days prior to establishing either a Permanent Residence or Temporary Residence within the Village of Sturtevant.
 - (f) Exceptions. A Designated Offender residing within a Prohibited Location as defined in Section 10.055(b)(6) shall not be in violation of this Ordinance if any of the following apply:
 - 1. The Designated Offender established the Permanent Residence or Temporary Residence and reported and registered the residence pursuant to Section 301.45, Wisconsin Statutes, before the effective date of this Ordinance.
 - 2. The Designated Offender is a Minor and is not required to register under Sections 301.45 and 301.46, Wisconsin Statutes.
 - 3. The Prohibited Location situated within two thousand five hundred/one thousand (2,500'/1,000') feet of the person's Permanent Residence was opened or established after the Designated Offender established the Permanent Residence or Temporary Residence and reported and registered the residence pursuant to Section 301.45, Wisconsin Statutes.
 - 4. The residence is also the primary residence of the Designated Offender's parents, grandparents, siblings, spouse or children, provided that such parent, grandparent, sibling, spouse or child established the residence at least two (2) years before the Designated Offender established residence at the location.
- (4) **Property Owners Prohibited From Renting Real Property to Certain Sexual Offenders and Sexual Predators.** It shall be unlawful for any property owner to lease or rent any place, structure, mobile home, trailer or any part thereof, with the knowledge that it will be used as a Permanent Residence or Temporary Residence by any person prohibited from establishing a Permanent Residence or Temporary Residence therein pursuant to this Ordinance, if such place, structure, or mobile home, trailer or any part thereof, is located within a Prohibited Location zone as defined in Section 10.055(b)(6). Notwithstanding the exception set forth in Section 10.055(c)(6)(a), it shall be unlawful for a property owner to renew a leasehold interest established prior to the effective date of this Ordinance, whether the leasehold interest is on a month-to-month basis or for a definite term, for a period beyond six (6) months from the effective date of this Ordinance.

- (5) **Public Nuisance.** Any violation of this Chapter shall be deemed a public nuisance affecting peace and safety and the Village may proceed under Section 10.10 of the Code of Ordinances and/or Chapter 823 of the Wisconsin Statutes to abate the nuisance.
- (6) **Injunction for Violation of Residency Restrictions.** If an offender establishes a permanent or temporary residence in violation of subsection (c) above, the Chief of Police may refer the matter to the Village Attorney. The referral shall include a written determination by the Chief of Police that, upon all of the facts and circumstances and the purpose and intent of this Ordinance, such violation interferes substantially with the comfortable enjoyment of life, health, and safety of another or others. Upon such referral, the Village Attorney shall bring an action in the name of the Village in Circuit Court to permanently enjoin such residency as a public nuisance.
- (7) **Severability.** Should any section, paragraph, sentence, clause or phrase of this Section be declared unconstitutional or invalid, or be repealed, it shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so declared to be invalid or repealed.
- (8) **Penalties.** Any Person who violates any provision of this Section shall, upon conviction, thereof, be subject to a forfeiture not to exceed Five Hundred (\$500.00) Dollars, together with the costs of prosecution, and in default of payment thereof, shall be committed to the County Jail for a period not to exceed ninety (90) days. Each violation and each day such violation continues shall be considered a separate offense. Neither the issuance of a citation nor the imposition of forfeiture hereunder shall preclude the Village from seeking or obtaining any or all other legal and equitable remedies to prevent or remove a violation of this Chapter.

10.056 PROHIBITED CONDUCT OF DESIGNATED SEX OFFENDER

(1) Findings and Intent

- (a) Findings. Repeat sex offenders, sex offenders who use physical violence, and sex offenders who prey on children are sex predators who present an extreme threat to the public safety. Sex offenders are extremely likely to use physical violence and to repeat their offenses; and, most sex offenders commit many offenses, have many more victims that are never reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sex offender victimization to society at large, while incalculable, clearly exorbitant.
- (b) Intent. It is the intent of this Ordinance not to impose a criminal penalty, but rather to service the Village of Sturtevant's compelling interest to promote, protect and

improve the health, safety and welfare of the citizens of the Village by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sex offenders and sex predators are prohibited from establishing temporary or permanent residency.

- (2) **Definitions.** The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section, except when the context clearly indicates a different meaning:
 - (a) "Designated Offender" shall have the same meaning as specified in Sec. 10.055(b)(2) of this Code of Ordinances.
- (3) **Prohibited Activity.** It is unlawful for any Designated Offender to participate in a holiday event involving children under eighteen (18) years of age. Holiday events in which the offender is the parent or guardian of the children involved, and no non-familial children are present, are exempt from this Section. Participation is defined as actively taking part in the event and shall include, but is not limited to, distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, or wearing an Easter Bunny costume on or preceding Easter.
- (4) **Severability.** Should any section, paragraph, sentence, clause or phrase of this Section be declared unconstitutional or invalid, or be repealed, it shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so declared to be invalid or repealed.
- (5) **Penalties.** Any person who violates any provision of this Section shall, upon conviction thereof, be subject to a forfeiture not to exceed Five Hundred (\$500.00) Dollars, together with the costs of prosecution, and in default of payment thereof, shall be committed to the County Jail for a period not to exceed ninety (90) days. Each violation and each day such violation continues shall be considered a separate offense.

10.06 DUTCH ELM DISEASE.

- (1) **DEFINITIONS.** Whenever used in this section, unless a different meaning is apparent from the context, the following terms shall have the meanings indicated:

Disease. The Dutch elm disease, a fatal disease of elms caused by the fungus Ceratostomella ulmi Buisman, as well as the casual fungus.

Forester. The Village Board or their appointed representative.

Owner. The owner of real estate or the person in possession of real estate and shall include any person, firm or corporation.

Tree Material. Any elm firewood, stump, log, branch or other bark bearing part of an elm tree.

Vector. The native elm bark beetle Hylurgopinus refipes (Eichh.) and the small European elm bark beetle Scolytus multistriatus (Marsh) which transmit the fungus to elm trees and elm material.

- (2) **PERMISSION TO VILLAGE EMPLOYEES.** Every owner in the Village shall permit employees of the Village to enter upon such real estate for the purpose of examining trees. If it shall appear to any Village employee that an elm tree may be diseased, such employee shall be permitted to take the necessary sample of wood from the tree for diagnosis.
- (3) **NOTICE TO OWNER.** If an examination made as above provided or made at the instance of the owner discloses that the tree has the disease, the Forester shall give notice to the owner at his last known address to have such diseased tree cut down and the same destroyed by burning within 5 days of giving such notice. If the owner does not so cut down the diseased tree and destroy the same by burning within 5 days after such notice is given, such tree shall be cut down and destroyed by burning by Village employees on order of the Forester. Accurate record of the expenses of such cutting and burning shall be made and a report thereof given to the Clerk/Treasurer, who shall enter the amount against the respective real estate in the next and subsequent tax roll as a special tax against such real estate, and the same shall be collected in all respects like other Village taxes upon real estate.
- (4) **INFECTED ELM SHALL NOT BE KEPT, STORED, SOLD OR TRANSFERRED.**
 - (a) No owner shall keep, store, sell, offer for sale, give away or transfer any elm tree material which is infected with the fungus or infested with the vector or transport the same into or within the Village except for the purpose of immediately destroying the same by burning; or, if not so infected or infested without removing and burning the bark, or treating such elm material with a complete covering of an approved vector destroying chemical.
 - (b) Every owner in the Village shall permit Village employees to enter upon their real estate and every garage or other structure thereof for the purpose of determining whether any elm material infected with the fungus or infested with the vector is located on such real estate. Each owner shall permit such employee to take a sample of any elm material for the purpose of determining

whether it is infected with the fungus or infested with the vector and if the examination of such sample discloses that any such material is so infected or infested, the Forester shall notify the owner to destroy by burning all of such elm material located on such real estate or any structure thereon.

- (c) If the examination of the elm sample obtained as above described discloses that the elm material is not infected with the fungus or infested with the vector, the Forester shall notify the owner that the elm material is not infected or infested, but that the owner shall remove and burn the bark or treat such elm material with a complete covering of an approved vector destroying chemical. The owner shall notify the Forester in writing of his compliance.
 - (d) If the owner does not comply with any notice given as provided in this section within 10 days after the same is given, then, on order of the Village Board, Village employees will remove all such infected and infested elm material and all such elm material not infected and infested and burn the same. Accurate account of the expense of removal and burning shall be kept and report made to the Clerk/Treasurer who shall enter the amount thereof on the tax roll as provided in the preceding section.
- (5) **SPRAYING ELM TREES ON PRIVATE PROPERTY.** When it has been determined that the disease is present in the Village, either in elm trees or in elm material, a spray program to protect all living elms of the Village shall be initiated which shall be in accord with the currently approved recommendations of the State of Wisconsin Dutch Elm Disease Committee; provided that, at the discretion of the Forester, this spray program shall commence with the confirmation of the disease in areas adjacent to the Village. Notice of the necessity of spraying elm trees on private property shall be given by the Forester to the owner and unless such owner shall have had such elm trees sprayed within 10 days of the time of giving such notice and have provided satisfactory evidence to the Forester that any private spraying was done in accordance with prescribed procedure, Village employees shall spray such trees. Accurate record shall be kept of the cost of such spraying and report made to the Clerk/Treasurer, who shall enter the amount thereof on the tax roll as provided for in the preceding sections.
- (6) **DEAD OR DYING WOOD TO BE REMOVED FROM EVERY ELM TREE.** Each owner of real estate in the Village shall cause all dead or dying wood to be removed from every elm tree on his real estate and to be burned. In the event that it appears to any Village employee that there is dead wood in any elm tree on private property in the Village, the Village Board shall cause notice to be given, then Village employees shall remove the same and burn it. Accurate record of the cost of removing and burning such dead wood shall be kept and report made to the Clerk/Treasurer, and the amount thereof shall be entered on the next and subsequent

tax roll and collected as a special tax against such real estate as provided in the preceding sections.

10.07 EMISSION OF DENSE SMOKE.

To emit or cause or permit to be emitted into the open air within the corporate limits of the Village any dense smoke is hereby declared to be a nuisance, and the same is hereby prohibited. The owner of any stationary locomotive engine, portable boiler or furnace or tar kettle, and any officer, manager or agent of any corporation owning a stationary or locomotive engine, portable boiler or furnace or tar kettle, and the owner, lessee or occupant of any building, and any officer, manager or agent of any corporation or company owning, leasing or occupying any building from which dense smoke is permitted or allowed to issue or to be emitted within the corporate limits of the Village, shall be guilty of an offense.

10.08 CLEANUP OF ANIMAL WASTE PRODUCTS.

- (1) **ANIMAL WASTE NUISANCE.** It shall be unlawful for any person in immediate control of any dog or cat to permit fecal matter, which is deposited by such animal while off of its own premises, to remain on any public property or private property, which is not owned or occupied by such person. It shall be solely the responsibility of the person in control of said dog or cat to immediately, after deposit, remove all fecal matter and dispose of the same. A proper disposal of the fecal matter shall be to place it in a proper receptacle, bury it or flush it in a toilet on property owned or occupied by such person.
- (2) **REMOVAL DEVICE OR OBJECT.** Any person causing or permitting a dog or cat to be on any property, public or private, not owned or occupied by such person, shall have in his or her immediate possession a device or object suitable for removal of excrement and subsequent disposal on the property owned or occupied by such person pursuant to Subsection (1).
- (3) **EXCEPTIONS.** This Section shall not apply to a person, who is visually disabled, and in control of a service dog.

10.10 ABATEMENT OF PUBLIC NUISANCES.

- (1) **ENFORCEMENT.** The Village Police Chief and Village Administrator shall enforce those provisions of this chapter that come within the jurisdiction of their offices, and they shall make inspections periodically and upon complaint to insure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer has inspected or caused to be inspected the

premises where the nuisance is alleged to exist and has satisfied himself that a nuisance does in fact exist.

- (2) **SUMMARY ABATEMENT.** If the inspecting officer determines that a public nuisance exists within the Village, and there is great and immediate danger to public health, safety, peace, morals or decency, the President may direct the proper officer to cause the same to be abated and charge the cost to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
- (3) **ABATEMENT AFTER NOTICE.** If the inspecting officer determines that a public nuisance exists on private premises, but that such nuisance does not threaten great and immediate danger to public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintaining the nuisance to remove the same within 10 days. If the nuisance is not removed within 10 days, the proper officer shall cause the nuisance to be removed as provided in sub. (2).
- (4) **OTHER METHODS NOT EXCLUDED.** Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the State.
- (5) **COURT ORDER.** Except when necessary under sub. (2), an officer hereunder shall not use force to obtain access to private property to abate a public nuisance, but shall request permission to enter upon private property if such premises are occupied and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.

10.11 COST OF ABATEMENT.

In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance; and, if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

10.12 PENALTY.

Except as otherwise provided in this chapter, any person who shall violate any provision of this chapter, or any regulation, rule or order made hereunder, or permit or cause a public nuisance shall be subject to a penalty as provided in Section 25.04 of this Municipal Code.

10.13 NOXIOUS WEEDS.

- (1) **DEFINITIONS.** The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Noxious weeds means and includes those weeds defined in Wis. Stats. § 66.0407 as noxious weeds and, in addition thereto excepting on village-owned property, shall include any other weeds, grass, hay, brambles, brush, reeds, rushes, cattails, or any combination thereof, which have grown to a height of nine inches or more. Cultivated cropland is exempt from said height restriction.

- (2) **STATUTORY PROVISIONS ADOPTED.** The provisions of Wis. Stats. §§66.0407 and 66.0517, so far as applicable, are hereby adopted by reference and made a part of this Code as fully as if set forth in this article.
- (3) **UNLAWFUL TO PERMIT GROWTH.** It shall be unlawful for any owner, occupant or person in control of any premises in the village to allow or maintain the growth of noxious weeds on such premises or upon any sidewalk or parkway abutting such premises.
- (4) **NOTICE TO ABATE.** The weed commissioner is hereby authorized and empowered to notify in writing the owner, occupant or person in control of any premises in the village who shall allow or maintain any growth of noxious weeds on such premises to cut, destroy and/or remove such weeds. Such notice shall be sent by mail addressed to the owner or person in control of such premises appearing on the records of the city assessor at the last known address appearing on such records.
- (5) **ABATEMENT BY WEED COMMISSIONER.** Upon the failure, neglect or refusal of any owner, occupant or person in control of any premises in the city who is so notified to cut, destroy and/or remove the noxious weeds on such premises and/or abutting sidewalk or parkway within five days after the mailing of such notice, the weed commissioner shall cut, destroy and/or remove such noxious weeds; and at the completion of such work, shall charge an assessed cost thereof in the manner provided by Wis. Stats. § 66.0517.
- (6) **ISSUANCE OF CITATION.** In all cases where the owner, occupant or person in control of any premises in the village has failed, neglected or refused to destroy and/or remove the noxious weeds on such premises and/or abutting sidewalk or parkway, the weed commissioner or his designee may issue a citation to the person notified under subsection(5) . The citation may be served simultaneously with the weed order.

(7) **PAYMENT OF FORFEITURE IN LIEU OF COURT APPEARANCE.**

(a) Any person charged with a violation of the offenses listed under subsection (b) of this section may pay the amount enumerated therein at the police department in lieu of a court appearance. Persons wishing to contest charges contained in subsection (b) of this section may contact the police department to arrange a court appearance date.

(b) The following forfeiture may be paid at the police department:

TABLE INSET:

| Section number | Violation | Forfeiture |
|----------------|-------------------------------------|------------|
| 10.13 | Failure to cut/remove noxious weeds | \$30.00 |

10.14 REGULATION OF STAGNANT POOLS.

- (1) **PURPOSE.** This section is enacted to promote the public health, safety and welfare. Because of the growing urban concentration within the Village, with the attendant increase in population and, in particular, the increase in the number of young children, the presence, of stagnant pools of water within the Village are declared to be a nuisance in that they attract young children, are often dumping grounds for junk and refuse, are a breeding ground for mosquitoes, flies and insects and serve as habitat for rodents and other unwholesome animals.
- (2) **DEFINITION.** As used herein “stagnant pools of water” refers to waters which are standing in pools without any outlets for at least one-month. A pool shall not cease to be such because it may overflow during periods of rainstorms or melting snows if such outlet does not provide for full drainage of such pool.
- (3) **PROHIBITION.** No person shall permit stagnant pools of water to remain or exist upon any real property under his control within the Village.
- (4) **DUTIES OF OWNERS.** Every owner or manager of real property within the Village shall drain or fill or cause to be drained or filled any stagnant pools of water on such real property within the Village. Such pools shall be filled with clean fill which does not contain any decomposable, toxic or combustible materials or any rubbish, trash or waste materials.